

**AMENDMENTS TO THE DRAWINGS**

The attached sheet of drawings includes changes to Fig. 5. The changes include correct hatching to show the projection 40 as synthetic or foam material. The term "integrated into" has been cancelled from claims 24 and 36. No new matter is added by these amendments.

Attachment: 1 Replacement sheet

**REMARKS**

I. Status of the Application

This paper is filed in response to the non-final official action dated November 20, 2008, wherein: (a) claims 14-17 and 19-40 were pending; (b) the drawings were objected to under 37 CFR 1.83(a) for failing to show every feature recited in claims 23, 24, 35, and 36; (c) claims 39 and 40 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; (d) claims 14-17 and 19-40 were variously rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; (e) the specification was objected to because of informalities; (f) claims 14-17, 19, and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over GB 2250779A to Schuermann, et al. ("Schuermann"); (g) claims 14-17, 19-21, 25, 27-33, and 37 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,466,656 to Igel ("Igel"); (h) claims 22, 23, 34, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over Igel in view of U.S. Patent No. 5,851,051 to Schmidhuber ("Schmidhuber"); (i) claims 24 and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Igel in view of Schmidhuber as applied to claims 23 and 35, and further in view of U.S. Patent No. 6,273,500 to Boersma ("Boersma"); (j) claims 25, 37, 39, and 40 were rejected under 35 U.S.C. § 103(a) as unpatentable over Igel; and (k) claims 26 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Igel in view of U.S. Patent No. 6,315,355 to Lamm.

This paper is filed following applicant-initiated telephonic interviews of January 16 and 27, 2009.

By way of this response, claims 14, 15, 20, 21, 24, 27, 28, 32, 33, 36, 39, and 40 are amended. Support for the amendments to the claims is found at paragraphs [0009] and [0023] and Figs. 3 and 5-7 of the published application, and elsewhere throughout the original specification and claims. Claims 19 and 31 are canceled. Thus, claims 14-17, 20-30, and 32-40 are pending and at issue. Reconsideration of the application, as amended, is solicited.

II. January 16 and 27, 2009 Applicant-initiated Interview

The undersigned applicants' representative and Examiner Pedder conducted telephonic interviews on January 16 and 27, 2009. Agreement was reached on amendments to claims 14 and 27 that would remove the rejections under §112, second

paragraph, §102, and §103. The examiner agreed that at least claims 14 and 27 as currently amended would be allowable over Schuermann and Igel.

### III. Drawing Objections

The official action asserts that the drawings fail to show (a) “the projection comprises foam” as recited in claims 23 and 35, and (b) “the projection is integrated into a peripheral edge and comprises foam” as recited in claims 24 and 36. By this amendment, the applicants amend claim 24 and 36 to recite that “the projection is affixed onto a peripheral edge of the movable roof element, the projection comprising foam.” Fig. 5 is also amended to include correct hatching for synthetic material, or foam as generally recited in claims 23, 24, 35, and 36. Because the figures show every feature recited in amended claims 23, 24, 35, and 36, reconsideration and withdrawal of the drawing objections are respectfully requested.

### IV. Claim Rejections Under 35 U.S.C. § 112

Claims 14-17 and 19-40 were rejected under 35 U.S.C. § 112. The various grounds for the §112 rejections are addressed below in the order presented in the official action.

Claims 39 and 40 were rejected under §112, first paragraph because “Applicant discloses that the contact produces sliding in the prior art, but claims prevention of such sliding in the invention. No structure or means are disclosed to yield this result.” Claims 39 and 40 are amended to recite that the projection contacts the interfering body at an oblique angle before the roof element engages the seal element and to remove the previous recitation of “the oblique contact prevents the angled projection from sliding onto the interfering body.” Because this amendment cancels the allegedly indefinite recitations of claims 39 and 40, the applicants believe these amended claims are not indefinite. Reconsideration and withdrawal of the rejections of claims 39 and 40 under §112, first paragraph are respectfully requested.

Claims 19-21 and 31-33 were rejected under §112, second and fourth paragraphs because claims 19 and 31 were allegedly confusing for not “limit[ing] the front edge projection of claim 14” and for “not limiting the previous claim.” Claims 20, 21, 32, and 33 were rejected as depending from the allegedly confusing claims. By this amendment, claims 19 and 31 are canceled, claims 20 and 21 are amended to depend from claim 14, and

claims 32 and 33 are amended to depend from claim 27. The applicants believe that pending claims 20, 21, 32, and 33 are not indefinite because they do not depend from an allegedly indefinite claim. Reconsideration and withdrawal of the rejections of claims 19-21 and 31-33 under §112, second and fourth paragraphs are respectfully requested.

Claims 14-17 and 19-40 were rejected under §112, second paragraph because the “frame of reference for the physical relationship between the moveable roof element and the interfering body is necessary to make sense of the function ‘contacts an interfering body that is present between the frame component and the moveable roof element before the roof element engages the seal element.’” As previously discussed, claims 19 and 31 are canceled. Claims 14 and 27 are amended to recite a frame of reference for the projection (that extends from the moveable roof element) and interfering body as “the projection contacts a portion of the interfering body that is level with or below an upper surface of the seal.” Because amended claims 14 and 27 recite a frame of reference for the roof and interfering body, the applicants believe that these claims, and pending claims 15-17, 19-26, 28-30, and 32-40 depending therefrom, are not indefinite. Reconsideration and withdrawal of the rejections of claims 14-17 and 19-40 under §112 are respectfully requested.

Claims 39 and 40 were also rejected under §112, second paragraph for lacking a clear frame of reference in the recitation of “the closing motion and the interfering body form an obtuse angle....” Claims 39 and 40 are amended to remove the previous recitation of an obtuse angle. Because this amendment cancels the allegedly indefinite recitations of claims 39 and 40, the applicants believe these amended claims are not indefinite. Reconsideration and withdrawal of the rejections of claims 39 and 40 under §112, second paragraph are respectfully requested.

## V. Claim Rejections Under 35 U.S.C. § 102

### A. Claims 14 and 27

Claim 14 is amended to more clearly define the area that receives at least a portion of the seal element and the contact between the projection and interfering body and claim 27 is amended to incorporate the limitations of amended claim 14, as agreed during the January 16 and 27, 2009, interviews. Particularly, the area recited in amended claims 14 and 27 is a recessed area defined by the movable roof element and the projection. The area receives at least a portion of the seal while the closing motion brings the movable roof

element toward the closed position such that the projection contacts an interfering body before the roof element engages the seal element, if the interfering body is present between the frame and roof, and the projection contacts a portion of the interfering body that is level with or below an upper surface of the seal.

The action presents Igel as allegedly disclosing a roof opening front edge, moveable roof element 3, angled projection 20, frame 2, seal element 18, wherein the roof receives a portion of the seal as shown in Figures 2 and 3. Further, the action discusses that the projection 20 is allegedly capable of receiving an interfering body at a height of the frame 2 before seal engagement. As shown in Figs. 2 and 3 of Igel, the frame 2 is positioned above the seal 18. For any interfering body that is at the height of the frame 2 and extending into the area through which the projection 20 travels upon closing, the projection 20 could only contact the portion of the body that is above an upper surface of the seal. Therefore, Igel cannot teach or suggest that the disclosed projection 20 is able to contact a portion of the interfering body that is level with or below the upper surface of the seal, before the recessed area receives the seal, as generally recited in amended claims 14 and 27. Because Igel does not teach or suggest every limitation of claims 14 and 27, these claims, and claims 15-17, 21-26, 28-30, and 33-40 depending therefrom, are allowable.

## VI. Claim Rejections Under 35 U.S.C. § 103

### A. Claims 14 and 27

Claims 14 and 27 are amended as discussed above. The action presents Schuermann as allegedly disclosing a projection 1A that receives a portion of a seal that extends vertically below the upper edge of the roof frame 3 and, depending on the angled presentation of an interfering body, the projection is capable of contacting the interfering body prior to seal engagement. As shown in Figs. 1, 2, and 3 of Schuermann, for any interfering body that is between the roof and the frame, the projection 1A could only contact the portion of the body that is above an upper surface of the seal. Therefore, Schuermann cannot teach or suggest that the disclosed projection 1A contacts a portion of an interfering body that is level with or below the upper surface of the seal, before the recessed area receives the seal, as generally recited in amended claims 14 and 27. Further, the recitations of claims 14 and 27 are not commonly known. Because Scheurmann in view of common knowledge does not teach or suggest every limitation of claims 14 and 27, these claims, and claims 15-17, 21-26, 28-30, and 33-40 depending therefrom, are allowable.

B. Claims 22-23 and 34-35; 24 and 36; 25, 37, 39, and 40; and 26 and 38

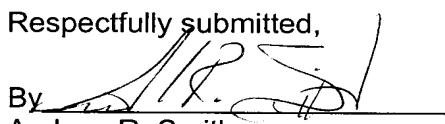
Claims 22-26 and 40 depend from amended claim 14 and claims 34-39 depend from amended claim 27. As discussed above in relation to the §102 rejections, claims 14 and 27 are allowable because Igel does not teach or suggest the recitations of these claims. Because claims 22-26 and 34-40 depend from allowable base claims, reconsideration and withdrawal of the rejections of claims 22-26 and 34-40 under §103 are respectfully requested.

VII. Conclusion

A prompt indication of allowability is solicited. Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

February 4, 2009

Respectfully submitted,

By   
Andrew R. Smith

Registration No. 62,162  
MARSHALL, GERSTEIN & BORUN LLP  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300  
Attorney for Applicants